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Message Text

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42
ACTION EB-11

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E.O. 11652: N/A
TAGS: BGEN UR
SUBJECT: STANDARD PROTOCOL AGREEMENT FOR SCIENTIFIC AND
TECHNOLOGICAL COOPERATION WITH USSR STATE
COMMITTEE FOR SCIENCE AND TECHNOLOGY

REF: STATE 20850

1. DISCUSSIONS WITH CHIEF, REFERENTURA FOR US OF STATE COMMITTEE (SCST) AND WITH WESTERN EMBOFFS INDICATE NO MODIFICATION TO GENERAL PROVISIONS OF STANDARD COOPERATION AGREEMENT BETWEEN SCST AND WESTERN COMPANIES. SCST DIFFERENTIATES BETWEEN PROTOCOL (FORMAL RECORD OF TALKS BETWEEN SCST AND COMPANY) AND AGREEMENT (ACCORD PROVIDING FOR SCIENTIFIC AND/OR TECHNICAL COOPERATION BETWEEN SOVIET AND WESTERN ORGANIZATIONS IN SPECIFIC INDUSTRIAL FIELDS).

2. SCST EMPHASIZES THAT CUSTOMARY PROVISIONS OF AGREEMENT FROM SCST VIEWPOINT ARE PRESENTED TO COMPANY REPRESENTATIVES IN SKETAL OR OUTLINE FORM AND THAT ACTUAL AGREEMENTS SIGNED ARE "TAILOR-MADE" TO REFLECT COMPANY CONCERNS AND REQUIREMENTS AS WELL AS SPECIFIC INTERESTS OF THOSE SOVIET ORGANIZATIONS PARTICULARLY INTERESTED IN CLOSE ASSOCIATION WITH INDIVIDUAL COMPANIES. THUS ONLY
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BY RANDOM CIRCUMSTANCES WOULD ANY TWO AGREEMENTS BE IDENTICAL

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IN ALL DETAILS.

3. FOREGOING COMMENTS CONFIRMED BOTH BY REVIEW PROVISIONS LOCKHEED AIRCRAFT AGREEMENT WITH SCST SIGNED JAN 25 AND BY EXPERIENCE FIRMS OF OTHER WESTERN COUNTRIES. ARTICLE 2 OF LOCKHEED AGREEMENT PROVIDES FOR "JOINT DEVELOPMENT AND IMPLEMENTATION OF PROGRAMS AND PROJECTS INCLUDING SALE OF EACH OTHERS PRODUCTS (ART 2, ITEM F)" BUT DOES NOT REFER TO THIRD COUNTRIES. ARTICLE 4 PARA 3 OF LOCKHEED AGREEMENT READS:
"THE PARTIES ADHERE TO OPINION THAT IN CARRYING OUT THIS AGREEMENT IT IS NECESSARY TO TAKE INTO CONSIDERATION EXISTING CONTRACTUAL RELATIONS BETWEEN EITHER OF THE AGREEING PARTIES AND/OR A THIRD PARTY AND ANY LAWS OR REGULATIONS OF THEIR RESPECTIVE GOVERN-MENTS."
EMBASSY UNDERSTANDS THIS LATTER PROVISION STEMS RATHER FROM NATURE OF COMPANY'S BUSINESS ACTIVITIES THAN FROM EXPRESS WISH OF SCST.

4. DURING DISCUSSION SCST NOTED THAT EIGHTEEN AGREEMENTS HAVE BEEN SIGNED WITH US FIRMS TO DATE. SCST CONSIDERS AMERICAN CAN AND JOY MANUFACTURING DOCUMENTS TO BE PROTOCOLS RATHER THAN COOPERATION AGREEMENTS.
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